

REFERENCE TITLE: **sale of prescription records; prohibition**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1230

Introduced by
Senator Burton Cahill: Representatives Ableser, Lopes, Schapira

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1974; RELATING TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,
3 is amended by adding section 32-1974, to read:

4 32-1974. Prescription information: confidentiality; definition

5 A. ANY PHARMACY BENEFITS MANAGER, INSURANCE COMPANY, ELECTRONIC
6 TRANSMISSION INTERMEDIARY, RETAIL, MAIL ORDER OR INTERNET PHARMACY OR OTHER
7 SIMILAR ENTITY MAY NOT LICENSE, TRANSFER, USE OR SELL RECORDS RELATIVE TO
8 PRESCRIPTION INFORMATION THAT CONTAIN PATIENT-IDENTIFIABLE AND
9 PRESCRIBER-IDENTIFIABLE DATA FOR ANY COMMERCIAL PURPOSE, EXCEPT FOR THE
10 FOLLOWING PURPOSES.

11 1. PHARMACY REIMBURSEMENT.

12 2. FORMULARY COMPLIANCE.

13 3. CARE MANAGEMENT.

14 4. UTILIZATION REVIEW BY A HEALTH CARE PROVIDER OR A PATIENT'S
15 INSURANCE PROVIDER, OR THE AUTHORIZED AGENT OF A HEALTH CARE PROVIDER OR A
16 PATIENT'S INSURANCE PROVIDER.

17 5. HEALTH CARE RESEARCH.

18 6. AS OTHERWISE PROVIDED BY LAW.

19 B. THIS SECTION DOES NOT PROHIBIT:

20 1. THE DISPENSING OF PRESCRIPTION MEDICATIONS TO A PATIENT OR TO THE
21 PATIENT'S AUTHORIZED REPRESENTATIVE.

22 2. THE TRANSMISSION OF PRESCRIPTION INFORMATION BETWEEN AN AUTHORIZED
23 PRESCRIBER AND A LICENSED PHARMACY.

24 3. THE TRANSFER OF PRESCRIPTION INFORMATION BETWEEN LICENSED
25 PHARMACIES.

26 4. THE TRANSFER OF PRESCRIPTION RECORDS THAT MAY OCCUR IF A PHARMACY
27 OWNERSHIP IS CHANGED OR TRANSFERRED.

28 5. CARE MANAGEMENT EDUCATIONAL COMMUNICATIONS PROVIDED TO A PATIENT
29 ABOUT THE PATIENT'S HEALTH CONDITION, ADHERENCE TO A PRESCRIBED COURSE OF
30 THERAPY OR OTHER INFORMATION ABOUT THE DRUG BEING DISPENSED, TREATMENT
31 OPTIONS OR CLINICAL TRIALS.

32 C. THIS SECTION DOES NOT PROHIBIT THE COLLECTION, USE, TRANSFER OR
33 SALE OF DATA BY ZIP CODE, GEOGRAPHIC REGION OR MEDICAL SPECIALTY FOR
34 COMMERCIAL PURPOSES IF PATIENT-IDENTIFIABLE AND PRESCRIBER-IDENTIFIABLE DATA
35 HAS BEEN REDACTED.

36 D. A PERSON WHO VIOLATES THIS SECTION COMMITS AN ACT OF UNPROFESSIONAL
37 CONDUCT.

38 E. FOR THE PURPOSES OF THIS SECTION, "COMMERCIAL PURPOSE" INCLUDES
39 ADVERTISING, MARKETING, PROMOTION OR ANY ACTIVITY THAT COULD BE USED TO
40 INFLUENCE SALES OR MARKET SHARE OF A PHARMACEUTICAL PRODUCT, INFLUENCE OR
41 EVALUATE THE PRESCRIBING BEHAVIOR OF AN INDIVIDUAL HEALTH CARE PROFESSIONAL
42 OR EVALUATE THE EFFECTIVENESS OF A PROFESSIONAL PHARMACEUTICAL DETAILING
43 SALES FORCE.